



Department of Public Health and Human Services

Public Health & Safety Division ♦ Communicable Disease Control & Prevention Bureau

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HB HB 158
Steve Bullock, Governor

Richard H. Opper, Director

Jim Murphy, Bureau Chief
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Public Health and Safety Division
Montana Department of Public Health and Human Services
444-4016

Testimony in support of HB 158: "AN ACT GENERALLY REVISING SCHOOL IMMUNIZATION LAWS; PROVIDING FOR DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES RULEMAKING AUTHORITY RELATED TO IMMUNIZATION REQUIREMENTS FOR SCHOOL PUPILS; AMENDING SECTIONS 20-5-403, 20-5-405, 20-5-406, 20-5-407, AND 20-5-409, MCA; AND REPEALING SECTION 20-5-404, MCA."

On behalf of the Department, I am here to express our support for HB 158

School vaccination requirements are intended to protect the health of not only the student receiving the immunization, but also the health of students and staff who, due to medical reasons or personal beliefs, are not immunized. Montana schools do an excellent job of ensuring students meet requirements set forth by the legislature- our records indicate that 97% of students met requirements in the 2012-2013 school year.

While compliance is high, the current list of required vaccines in statute is not consistent with current national recommendations or commonly required vaccines in other states. To better protect the public health by maintaining a current list of commonly required vaccines, The Department of Public and Human Services (DPHHS) proposes moving the list to Administrative Rule of Montana.

Key Points:

- State requirements do not include two vaccines recommended by the Centers for Disease Control and Prevention (CDC) that are required in virtually every other state- specifically varicella (chicken-pox) and the pertussis containing booster shot recommended for middle-school children.
- The ability to maintain the list of required vaccines in rule would enable the state of Montana to better respond to changes in the vaccine schedule and national recommendations and protect the health of students, staff and the general public.
- Montana immunization rates from the 2013 National Immunization Survey (NIS) for Adolescents are below the national average for the pertussis booster and the varicella series:
 - o 84% in Montana versus 86% in the US for the pertussis booster.
 - o 59% in Montana versus 78% in the US for the two-shot varicella series.
- In 2013, Montana had the highest rate of pertussis cases in the US with 69 cases per 100,000 people compared to a national rate of 9 per 100,000. Montana has consistently been among states reporting the high rates of pertussis in recent years. Montana has consistently reported higher rates of varicella cases than neighboring states.

The DPHHS proposal does not impact a student's right to exercise a medical or religious exemption. Language granting exemptions will remain in statute. Lastly, a May 2014 audit report from the Legislative Audit Division recommended that we seek legislation to better align our requirements with national recommendations.

DPHHS, school nurses and the state's public health professionals are in agreement that the approach outlined in this bill enable us to better protect students, staff and the general public by keeping our requirements current with national recommendations and common practices. Thank you for your consideration.

Proposing Rulemaking Authority for Vaccine Requirements in Schools

School vaccination requirements are intended to protect the health of not only the student receiving the immunization, but also the health of students and staff who, due to medical reasons or personal beliefs, are not immunized. The current list of required vaccines in statute is not consistent with current national recommendations or commonly required vaccines in other states. To better protect the public health by maintaining a current list of commonly required vaccines, The Department of Public and Human Services (DPHHS) proposes moving the list to Administrative Rule of Montana.

Key Points:

- State statutes require students to receive common immunizations to prevent the introduction and spread of vaccine preventable diseases in school settings.
- Immunizations required by statute include: diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and measles in addition to Haemophilus influenza type "b" vaccine if under the age of 5 before enrolling in a preschool.
- State requirements do not include two vaccines recommended by the Centers for Disease Control and Prevention (CDC) that are required in virtually every other state- specifically varicella (chicken-pox) and the pertussis containing booster shot recommended for middle-school children.
- The ability to maintain the list of required vaccines in rule would enable the state of Montana to better respond to changes in the vaccine schedule and national recommendations and protect the health of students, staff and the general public.
- Montana immunization rates from the 2013 National Immunization Survey (NIS) for adolescents are below the national average for the pertussis booster and the varicella series:
 - 84% in Montana versus 86% in the US for the pertussis booster.
 - 59% in Montana versus 78% in the US for the two-shot varicella series.
- In 2013, Montana had the highest rate of pertussis cases in the US with 69 cases per 100,000 people compared to a national rate of 9 per 100,000. Montana has consistently been among states reporting the high rates of pertussis in recent years.
- Montana has consistently reported higher rates of varicella cases than neighboring states.

The DPHHS proposal does not impact a student's right to exercise a medical or religious exemption. Language granting exemptions will remain in statute.

DPHHS 2015 LEGISLATIVE **BILL SUMMARY SHEET**

Bill Short Title: Modernization of Immunization Statutes Related to Schools

Purpose: Amend 20-5-403, MCA, to move the list of vaccines required for school pupils from statute to administrative rule, thereby allowing for accurate recommendations for school vaccination protocols to be in place in a timely manner.

Background: This provides flexibility so that state vaccination guidelines will reflect current national recommendations in a timely way. For example, due to the rigid timetables inherent in statutory updates, Montana does not conform to national public health guidance in several key areas: Montana is the only state in the U.S. that does not require the varicella (Chicken Pox) vaccination series for school attendance, nor does statute reflect national immunization recommendations for pertussis (Whooping Cough) for early adolescents and teens. If vaccination protocols are placed in rule they can be updated based on the most current public health recommendations.

Bill Section Description:

SECTION 1: Removes list of diseases requiring vaccination prior to attendance as a school pupil and inserts provision requiring compliance with Department rules.

SECTION 2: Related to conditional attendance, replaces cross-reference to list of diseases with phrase "in accordance with the rules of the department."

SECTION 3: Related to school immunization records, replaces cross-reference to list of diseases with phrase "in accordance with the rules of the department."

SECTION 4: Related to school injunction due to failure to immunize, replaces cross-reference to list of diseases with phrase "in accordance with the rules of the department."

Contacts for additional information:

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